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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92059987
Party	Defendant JUN Co., Ltd.
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Attachments	Answer to Petition for Cancellation.pdf(29168 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

SOUTH CONE, INC.,	)	
	)	
	)	
Petitioner,	)	
	)	
v.	)	Cancellation No. 92059987
	)	
JUN CO., LTD.,	)	Mark: REEFUR
	)	
Registrant.	)	

**ANSWER TO PETITION FOR CANCELLATION**

Registrant, Jun Co., Ltd. (“Registrant”) hereby responds as follows to the Petition for Cancellation (“Petition”) by South Cone, Inc. (“Petitioner”) regarding U.S. Trademark Registration No. 4,513,118 for REEFUR and Design. Registrant is without knowledge of information sufficient to form a belief as to the truth of the Petitioner’s contact information given in the initial unnumbered paragraph and therefore denies same, and demands strict proof thereof.

1. Registrant admits the allegations of Paragraph 1.
2. Registrant is without sufficient information to admit or deny the allegation in Paragraph 2 of the Petition and, therefore, denies those allegations.
3. Registrant admits only that the U.S. Patent and Trademark Office records reflect the given dates registration and of first use identified in Paragraph 4 of the Petition. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies same, and demands strict proof thereof.
4. Registrant is without sufficient information to admit or deny the allegations in Paragraph 4 regarding the validity of the REEF Marks. Further, while the registrations

identified therein have reached incontestability status, the registrations are still susceptible to cancellation on certain bases and, therefore, Registrant denies the remaining allegations in Paragraph 4 of the Petition.

#### **COUNT ONE**

5. Paragraph 5 sets forth no allegations to which a response is required.
6. Registrant admits the allegations of Paragraph 6.
7. Registrant denies the allegations of Paragraph 7.
8. Registrant admits that it applied to register the REEFER trademark based upon Section 66(a), with intent to use, and denies the remaining allegations of Paragraph 8.
9. Registrant denies the allegations of Paragraph 9.
10. Registrant denies the allegations of Paragraph 10.
11. Registrant denies the allegations of Paragraph 11.

#### **COUNT TWO**

12. Paragraph 12 sets forth no allegations to which a response is required.
13. Registrant denies the allegations in Paragraph 13.

#### **CONCLUSION**

14. The allegations of Paragraph 14 of the Petition are denied.
15. Subject to the specific answers provided above, any and all remaining allegations in the Petition for Cancellation are herein expressly denied.

### **Affirmative Defenses**

1. Registrant's use of its mark will not mistakenly be thought by the public to derive from the same source as Petitioner's goods, nor will such use be thought by the public to be a use by Petitioner with Petitioner's authorization or approval.

2. Registrant's mark in its entirety is sufficiently distinctive from Petitioner's mark so as to avoid confusion, deception or mistake as to the source or sponsorship or association of Petitioner's goods.

3. Registrant's mark, when used on Registrant's goods, is not likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection or association of Registrant with Petitioner, or as to the origin, sponsorship, or approval of Registrant's goods by Petitioner.

4. There is no evidence of actual confusion.

5. Registrant reserves its rights to assert counterclaims and to seek cancellation of any registered marks asserted by Petitioner as part of its grounds for opposing registration of Registrant's mark, as may be determined through discovery.

WHEREFORE, Registrant respectfully requests that Board dismiss the Petition and that U.S. Trademark Registration No. 4,513,118 for REEFUR and Design be sustained.

Dated: December 30, 2014

Respectfully submitted,

HOVEY WILLIAMS LLP

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ATTORNEYS FOR REGISTRANT  
JUN CO., LTD.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was deposited with the United States Postal Service as first class mail, postage prepaid, on this 30th day of December, 2014 to:

Brooks R. Bruneau, Esq.  
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ATTORNEYS FOR PETITIONER  
SOUTH CONE, INC.

s/ Cheryl L. Burbach